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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/734,041	
	Filing Date	December 11, 2003	
	First Named Inventor	Lukas Eisermann et al.	
	Art Unit	3733	
	Examiner Name	David C. Comstock	
Total Number of Pages in This Submission	21	Attorney Docket Number	MSDI-222/PC765.00

ENCLOSURES (Check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Brad A. Schepers		
Date	June 2, 2008	Reg. No.	45,431

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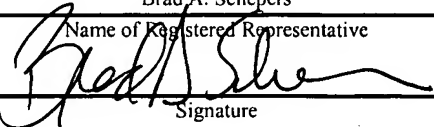
In re patent application of:	)	Before the Examiner
Eisermann et al.	)	David C. Comstock
	)	
Application Serial No. 10/734,041	)	Group Art Unit 3733
	)	
Filed December 11, 2003	)	Ref. No. MSDI-222/
	)	PC765.00
	)	
EXPANDABLE INTERVERTEBRAL	)	June 2, 2008
IMPLANT	)	

**RESPONSE TO NON-FINAL OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated March 24, 2008, please consider the following amendments and remarks. Please charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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### **INTRODUCTORY COMMENTS**

Claims 1-29 and 33-60 were pending in the subject application for the non-final Office Action dated March 24, 2008. Each of the claims has been rejected on various grounds. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.